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FEB 16 2005

In re Application of :
Fenouil et al. :
Application No. 10/753,714 :
Filed: January 8, 2004 : ON PETITION
Attorney Docket No. TS0874 (US) :

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.78(a)(6), filed on October 21, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior filed provisional application, number 60/441,570, filed January 21, 2003.

This Petition is hereby dismissed as moot.

In the instant case, the Office recognized the claim for benefit of prior filed provisional application, number 60/441,570, which claim appeared on the Utility Patent Application Transmittal filed with the above-identified application on January 8, 2004. Further, Office records indicate, as confirmed by the copy of Applicant's Replacement Filing Receipt mailed with the instant petition, that the Office recognized Applicant's domestic priority claim to provisional application number 60/441,570, filed January 21, 2003. In view thereof, a petition under 37 CFR 1.78(a)(6) is unnecessary.

No fee has been charged and none is due.

This application is being referred to Technology Center Art Unit 1754 for processing of the Amendment filed with the instant petition on October 21, 2004, and for consideration of the claims under 35 USC 119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior filed provisional application, number 60/441,570, filed January 21, 2003.

Telephone inquiries concerning this matter should be directed to petitions attorney Derek L. Woods at (571) 272-3232.

Charles Pearson
Director
Office of Petitions

Enclosure: Replacement Filing Receipt